

655 Third Avenue, 22<sup>nd</sup> Fl.  
New York, NY 10017

T: 212.370.0330  
www.pkblp.com

Petrillo Klein + Boxer

ADAM H. SCHUMAN  
aschuman@pkblp.com  
D: 212.370.0390  
M: 917.574.0883

November 22, 2023

BY ECF

The Hon. Eric Komitee  
United States District Judge  
Eastern District of New York  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: U.S. v. Karony, et al. (No. 23-CR-433)**

Dear Judge Komitee:

On behalf of our client, Braden John Karony, we respectfully request that your Honor either: (1) release Mr. Karony immediately from custody in accordance with the bail conditions set in the Release Order issued by U.S. Magistrate Judge Daphne A. Oberg, District of Utah, after a bail hearing on November 8, 2023 (the "Release Order," No. 23-MJ-1008, a copy of which is attached), and schedule a bail hearing to occur promptly thereafter in the Eastern District of New York to consider whether any additional conditions for Mr. Karony's pretrial release should be imposed; or (2) conduct a renewed bail hearing telephonically at the Court's earliest convenience, so that Mr. Karony can propose a new bail package secured by family members and/or financially responsible co-signers.

Since the detention hearing conducted telephonically by your Honor on November 13, 2023, Mr. Karony has remained in federal custody in Utah. On November 20, 2023, the undersigned raised concern with the Government that Mr. Karony had not yet been moved to the Eastern District of New York, and the Government represented that all necessary steps had been taken for the U.S. Marshal Service to transport Mr. Karony to this District. However, I understand that earlier today, Mr. Karony was not included on a transport leaving the facility where he is incarcerated in Utah, and that the next such transport will not depart from Utah before December 6, 2023, and that Mr. Karony would not arrive in this District until some date thereafter. (A status conference in this case is scheduled before Your Honor on December 6, 2023.)

## Petrillo Klein + Boxer

Mr. Karony was arrested on October 31, 2023, in the District of Utah. The failure of the Government to remove Mr. Karony to this District has prejudiced his ability to prepare a bail package and to prepare his defense. Accordingly, we respectfully request that Mr. Karony be released on the terms contained in the Utah Magistrate Judge's Release Order, and that a further detention hearing be conducted in this District soon thereafter. Alternatively, we have identified at least two financially responsible co-signers and ask that the Court schedule a renewed detention hearing via telephone to consider Mr. Karony's pretrial release on terms acceptable to the Court.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Adam H. Schuman', is written over a horizontal line.

Adam H. Schuman  
Caelyn Stephens

Att.

# United States District Court

## DISTRICT OF UTAH

UNITED STATES OF AMERICA

V.

**Braden John Karony**

### ORDER SETTING CONDITIONS OF RELEASE

Case Number: **2:23mj1008-DAO**

IT IS SO ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant must not commit any offense in violation of federal, state or local or tribal law while on release in this case.
- (2) The defendant must immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant must appear in court as required and must surrender for service of any sentence imposed.

The defendant must next appear at (if blank, to be notified)

Enter text.

PLACE

Enter text.

on

Enter text.

DATE AND TIME

### Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (4) The defendant promises to appear in court as required and to surrender for service of any sentence imposed.
- (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of

Enter text.

dollars

(\$ Enter text.

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

### Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

(6) The defendant must:

- ☐ (a) maintain or actively seek verifiable employment and/or maintain or commence an educational program as approved by the pretrial officer.
- ☒ (b) abide by the following restrictions on his/her personal associations, place of abode, or travel:
  - ☒ (i) maintain residence in Miami, Florida and do not change without prior permission from the pretrial officer.
  - ☒ (ii) not travel outside the state of Florida without prior permission from the pretrial officer.
  - ☒ (iii) not travel outside the United States without prior permission from the Court.
- ☒ (c) avoid all contact, directly or indirectly codefendants (Kyle Nagy, Thomas Smith) in the investigation or prosecution.
- ☒ (d) report on a regular basis to the pretrial officer as directed. Immediately report to the pretrial officer any contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- ☒ (e) not possess a firearm, ammunition, destructive device, or other dangerous weapon.
- ☐ (f) ☐ not use alcohol, ☐ not use alcohol to excess, ☐ not frequent establishments where alcohol is the main item of order.
- ☐ (g) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner. Prescriptions should be reported to the pretrial officer.
- ☐ (h) You shall not use, possess, or ingest products containing tetrahydrocannabinol (THC) or cannabidiol (CBD) in any form unless they are approved by the Food and Drug Administration and obtained from a pharmacy by prescription from a licensed medical professional. For purposes of this condition, an authorization for THC or CBD issued under the law of any state is not valid; a state-issued marijuana medical card is not a prescription; and a THC/CBD dispensary is not a pharmacy. You are not allowed under any circumstances to market any product containing THC or CBD.
- ☐ (i) submit to drug/alcohol testing as directed by the pretrial officer; defendant shall pay all or part of the cost of the drug testing:
  - ☐ (1) if testing reveals illegal drug use, the defendant must participate in drug and/or alcohol abuse treatment, if deemed advisable by the pretrial officer; defendant shall pay all or part of the cost of the program, based upon your ability to pay as the pretrial officer determines.
  - ☐ (2) if testing reveals illegal drug use, the court will be notified immediately, with further action to be determined.
- ☐ (j) you must submit to Remote Alcohol Testing and abide by all of the program requirements for a period of \* days. You must pay all or part of the costs of participation in the program as directed by the pretrial officer.
- ☐ (k) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial officer; defendant shall pay all or part of the cost of the program, based upon your ability to pay as the pretrial officer determines.
- ☐ (l) undergo mental health evaluation and complete any recommended treatment, as directed by the pretrial officer, and take any mental health medications as prescribed; defendant shall pay all or part of the cost of the program, based upon your ability to pay as the pretrial officer determines.
- ☐ (m) surrender any passport to the United States Clerk of the Court, District of Utah.
- ☒ (n) not obtain or apply for passport.
- ☐ (o) not incur new credit charges or open additional lines of credit without prior permission from the pretrial officer.
- ☐ (p) not be employed in any fiduciary capacity or any position allowing access to credit or personal information of others.
- ☐ (q) not view, access or possess any sexually explicit materials.
- ☐ (r) not have contact with individuals under 18 years of age without the supervision of an adult who is previously approved by the Court or pretrial officer.
- ☒ (s) participate in one of the following location restriction program components and abide by its requirements as the pretrial officer instructs. Pay all or part of the cost of location monitoring based upon your ability to pay as determined by the pretrial officer. No overnight travel without Court approval.
  - ☐ (i) Curfew. You are restricted to your residence every day (Enter) from Enter to Enter or ☐ as directed by the pretrial officer; or



- ☒ (ii) Home Detention. You are restricted to your residence at all times except for employment, education, religious services, medical, substance abuse or mental health treatment, attorney visits, court appearances, court-ordered obligations, or other activities preapproved by the pretrial officer; or
- ☐ (iii) Home Incarceration. You are restricted to 24-hour-a-day lock-down except for medical necessities and court appearances or other activities specifically approved by the Court.
- ☐ (iv) Stand Alone Monitoring. You have no residential curfew, home detention, or home incarceration restrictions. However, you must comply with the location or travel restrictions as imposed by the court. **Note:** Stand Alone Monitoring should be used in conjunction with global positioning system (GPS) technology.
- ☒ (t) submit to the following location monitoring technology and comply with its requirements as directed:
  - ☐ (i) Location monitoring technology as directed by the pretrial services or supervising officer; or
  - ☐ (ii) Radio Frequency (RF);
  - ☒ (iii) Global Positioning Satellite (GPS);
  - ☐ (iv) Voice Recognition Monitoring (requires analog phone service at approved residence at participant's expense);
  - ☐ (v) Virtual Monitoring Application (requires smartphone with location services and push notification features enabled at participant's expense).
- ☒ (u) submit person, residence, office, or vehicle to a search, conducted by the pretrial officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant will warn any other residents that the premises may be subject to searches pursuant to this condition.
- ☒ (v) participate in the United States Probation and Pretrial Services Office Computer and Internet Monitoring Program under a ☒ co-payment plan or ☐ non-co-payment plan, and will comply with the provisions outlined in:
  - ☒ (i) Appendix A - Limited Internet Access (Computer and internet use, as approved);
  - ☐ (ii) Appendix B - Restricted Internet Access (Computer access only, as approved);
  - ☐ (iii) Appendix C - Restricted Computer Access (No computer or internet access except for approved employment).

All computers, internet accessible devices, media storage devices, and digital media accessible to the defendant are subject to manual inspection/search, configuration, and the installation of monitoring software and/or hardware.

The defendant must submit person, residence, office, or vehicle to a search, conducted by the pretrial officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant will warn any other residents that all computers, internet accessible devices, media storage devices, and digital media may be subject to searches pursuant to this condition.

- ☐ (w) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property.
- ☐ (x) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:
- ☐ (y) execute a bail bond with solvent sureties in the amount of \$ Enter text.
- ☐ (z) be placed in the custody of a third party, who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Name of person or organization

Address

City and state (Tel no.)

Signed: \_\_\_\_\_ Custodian or Proxy

- ☐ (7) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- ☐ (8) Attend Pretrial Pathways Program as directed by Pretrial Services.
- ☒ (9) Additional conditions: 1. This court authorizes the Eastern District of New York to modify any conditions as they deem necessary. 2. No access to crypto currency or digital currency asset exchange or trading platforms. 3. Not to use of possess any

digital currency, wallets, digital assets, or digital tokens. 4. Must not engaged in the purchase or sale of any digital currency. 5. Must not transfer any convertible vitrail currency or direct other to do so on his behalf. 6. Shall not engage in any investment promotional activities. 7. Must disclose all financial accounts to pretrial services. 8. Bond is ordered in the amount of \$500,000, which shall be secured by collateral.

### **Advice of Penalties and Sanctions**

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence will be in addition to any other sentence.

Federal law makes it a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender must be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

### **Acknowledgment of Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

---

Signature of Defendant

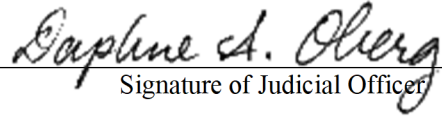
---

City and State

**Directions to the United States Marshal**

- ☒ The defendant is ORDERED released on November 9, 2023 from the courthouse at 2:00 pm.
- ☐ The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant must be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: November 8, 2023

  
Signature of Judicial Officer

Magistrate Judge Daphne A. Oberg  
Name and Title of Judicial Officer